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## City of New Bedford

Department of Planning, Housing & Community Development

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# STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

December 15, 2016

**Case #4257: VARIANCE**

139 Union Street  
Map: 53, Lot: 144

**Owner:** Waterfront Historic Area League  
c/o Teri Bernert  
128 Union Street  
New Bedford, MA 02740

**Applicant:** Studio 2 Sustain, Inc.  
412 County Street  
New Bedford, MA 02740

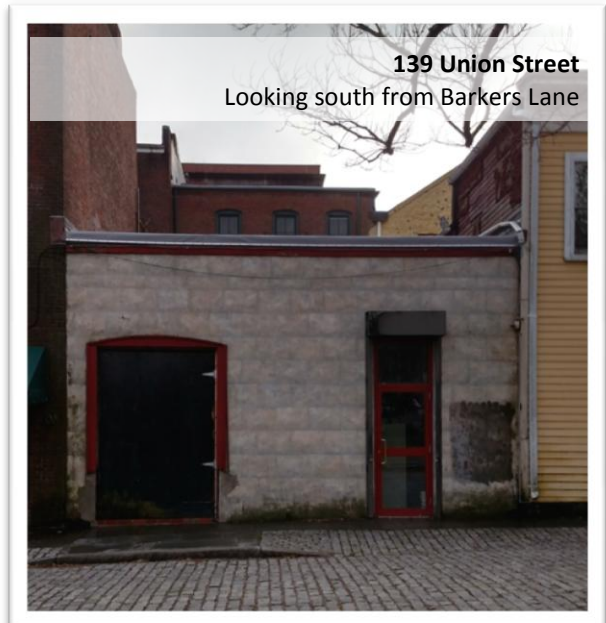
**Overview of Request:** The petitioner has submitted an application for a **Variance** relative to the subject property located within a Mixed Use Business [MUB] zoning district. The petitioners propose to rehabilitate the existing building into an art center, professional office space, and two one bedroom apartments. The proposal requires a variance for parking and loading requirements. The petitioners propose zero (0) parking spaces, where 24 parking spaces and one (1) loading space are required under zoning ordinance.

As with all variances, the board must find:

- There are circumstances relating to the soil conditions, shape or topography which especially affect the land in question, but which do not affect generally the zoning district in which the land or structure in question is located.
- If the city were to literally enforce the zoning ordinance, due to these circumstances unique to this land or structure, it would mean substantial hardship to the petitioner.



139 Union Street  
Looking north from Union Street



139 Union Street  
Looking south from Barkers Lane

- The granting of the variance would not take away from the purpose of the zoning ordinance nor would it cause substantial detriment to the public good.

**Existing Conditions:** The existing 2,918 sq. ft. lot located in the Downtown historic district has 24' of frontage on Union Street and a depth of 116'. The rear of the property fronts onto Barkers Lane. The existing 3 story building is vacant. As the building takes up the entire lot there are no parking or loading spaces on site.

Located within the city's downtown, the surrounding neighborhood is mixed use with commercial and residential uses present. This particular block has multiple vacant storefronts. Directly abutting this property is a The Garden billiards bar to the east, a vacant building to the west (also purchased by the applicant), Custom House Square Park to the north, and The DeMello International Center professional office building to the south.

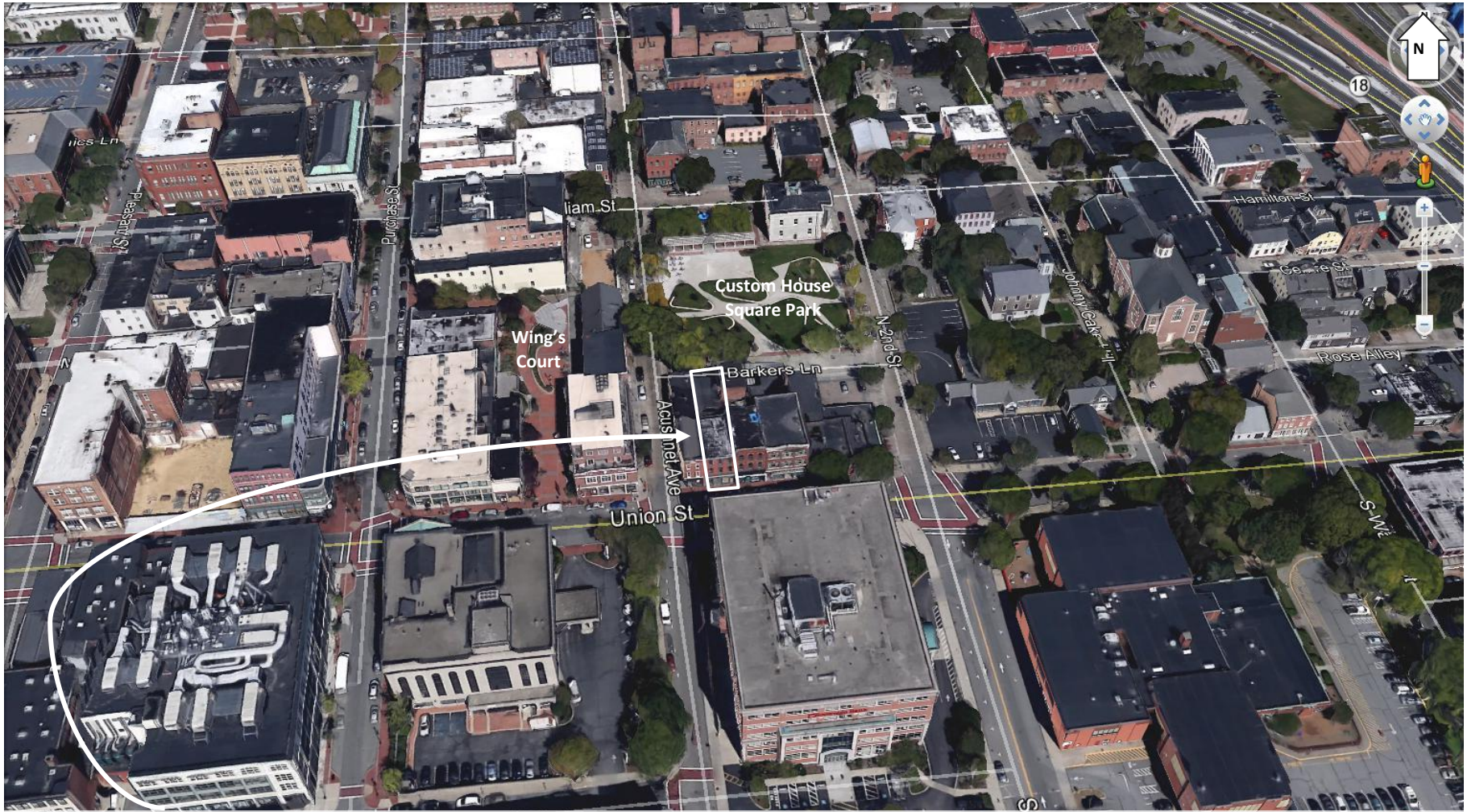
Metered street parking is located on Union Street and the surrounding streets. The Elm Street and Zeiterion municipal public parking garages are each located within a less than 5 minute walk of the site.

**Proposal:** The petitioner's propose to create space for an art center, professional offices, and two one-bedroom apartments as part of a project they are branding the "Co-Creative Center". The Co-Creative Center encompasses two abutting buildings, 139 Union Street and 141 Union Street. The 139 Union Street first and second floors will be the art center and office spaces. The third floor will have the two one-bedroom apartments. Additional information about the adjoining 141 Union Street project by the same petitioner is provided in the Staff Comments prepared for the Zoning Board of Appeals Case # #4258.

The petitioners estimate the 139 Union Street portion of the project will serve 40 customers per day, have 7 employees, and be open 7 days a week from 8am-9pm. Deliveries are expected weekly between 9am-5pm.

In regards to the criteria necessary to grant the variance, the petitioner states in the application that the building takes up the entire lot and there is no land available for parking indicating that without the requested zoning relief, "...WHALE (Waterfront Historic Area League) can't restore the building." Further they indicate relief would not derogate from the intent of the ordinance as most businesses downtown don't have parking and "there is plenty of on-street parking."

**For Board Member Consideration:** The proposal as it stands reactivates an existing vacant property along a very pedestrian-active, commercial area of the Downtown. The reuse aligns with the City's goals of re-activating vacant storefronts and increasing residential opportunities in the downtown. The city seeks to promote development that supports the pedestrian experience and walkability throughout the city and particularly within the Downtown. The proposal encourages pedestrian activity in this area while municipal/public parking areas and garages are available within a reasonable distance for vehicular demand.



# 139 Union Street Map: 55, Lot: 144

NOTE: Property line is approximate; for discussion purposes, only.

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Google Earth

41°38'03.90" N 70°55'29.04" W elev 74 ft eye alt 866 ft